

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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FANNY “FEI FEI” GUNAWAN,

Plaintiff,

v.

SAKE SUSHI RESTAURANT, Inc

Defendant.
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Civil Action No. 09-CV-5018(ALC)

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Fanny “Fei Fei” Gunawan, under oath, depose and state as follows:

1. I am a New York resident and the plaintiff in this matter.
2. I submit this affidavit based upon personal knowledge unless otherwise indicated.
3. I began working at Sake Sushi on May 10, 2006. I worked there as a waitress until

I was terminated in June 2007.

4. During that period, I worked five full days per week and a half day on Saturdays.

I had Mondays off.

5. I worked approximately 67 hours each week. On Sundays, I worked from 11:30 am until 11:00 pm. On Tuesdays, Wednesdays and Thursdays, I worked from 11:00 am until 11:00 pm. On Fridays, I worked from 11:00 am until 12:00 am. On Saturdays, I worked from 5:00 pm until 11:00 pm.

6. I never took a vacation. I never called in sick.

7. I did not get breaks. Although, most days I ate at the restaurant twice during my shifts, I was only allowed to eat if there were no customers to wait on, and I never took longer

than fifteen minutes to eat. Sometimes, I was allowed to leave the restaurant to buy something at the store next door –or take care of some minor personal business, but I never did this more than two or three times a month and usually only took a few minutes and never longer than a half hour.

8. Once a month, Sake Sushi gave me \$500 in cash as wages. I received no other pay from Sake Sushi other than tips, which I received from customers.

9. Ms. Manwah Cheung never gave me the \$500 monthly payment. I do not remember her ever even being present when I received that monthly payment.

10. Every night, Sake Sushi required me to give 10% of my tips to the chef. The chef never communicated with customers or provided direct customer service.

11. I earned about \$150 per night in tips on weekdays (Tuesday, Wednesday and Thursday), between \$180 and \$190 in tips per night on weekends (Friday and Sunday), and about \$130 per night on my half days on Saturday.

12. I estimate that I gave approximately \$95 per week to the chef from my tips.

13. Sake Sushi never informed me about the FLSA's provisions regarding a tip credit, nor was such information posted anywhere in the restaurant. I did not learn about the FLSA provisions until I was terminated.

Fanny
Fanny Gunawan

Sworn to before me this
16 day of February 2012

[Signature]
Notary Public

